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TO RUEHC/SECSTATE WASHDC IMMEDIATE 6372  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 9500  
RUEHKO/AMEMBASSY TOKYO PRIORITY 1449  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 6841  
RUEHUL/AMEMBASSY SEOUL PRIORITY 5330  
RUEHCHI/AMCONSUL CHIANG MAI PRIORITY 6298  
RHEHNSC/NSC WASHDC PRIORITY  
RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000635

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [TH](#)

SUBJECT: THAI OPPOSITION'S IMPEACHMENT COMPLAINT UNLIKELY  
TO GAIN TRACTION

REF: FEBRUARY 27 2009 INR FOCUS

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Classified By: DCM James F. Entwistle, reason: 1.4 (b) and (d).

SUMMARY AND COMMENT

1. (SBU) Representatives from the pro-Thaksin Puea Thai opposition party on March 11 submitted to the Senate a complaint requesting Prime Minister Abhisit Vejjajiva's impeachment. The complaint condemns the manner in which Abhisit ascended to the premiership, and it associates him with minor incidents that Puea Thai portrays as scandalous. Standard procedure requires the Senate to refer the impeachment complaint to the National Counter-Corruption Commission (NCCC) for investigation. After repeated delays, Puea Thai submitted a motion in the House of Representatives for a no-confidence debate targeting Abhisit, the Foreign Minister, and other cabinet ministers. The date for the debate has not yet been set.

2. (C) Comment: Puea Thai's accusations are primarily political rather than criminal. The NCCC almost certainly will not be sympathetic to Puea Thai's views and will not recommend impeachment. Puea Thai figures surely understand that, but the Constitution required that they request impeachment before filing a no-confidence motion in the House. Puea Thai's dithering over its no-confidence motion may reflect dissent within the party over leadership issues. There are no significant signs that the ruling Democrat Party's coalition partners are eager to defect to Puea Thai, and the administration appears likely to prevail in the no-confidence debate. Puea Thai's inability to put serious pressure on the government may reflect the diminishing influence of former Prime Minister Thaksin Shinawatra. End Summary and Comment.

IMPEACHMENT COMPLAINT

3. (SBU) On March 11, legislators from the Puea Thai opposition party submitted to the Senate President a complaint calling for the impeachment of Prime Minister Abhisit Vejjajiva. The complaint alleged the following offenses:

- Urging an undemocratic political transition prior to the

2006 coup d'etat and subsequent to the 2007 elections;

- Usurping power through illegitimate means in December 2008;
- Colluding with the People's Alliance for Democracy protest movement in undemocratic ways;
- Illegal management of Democrat Party financial resources;
- Failing to uphold Thailand's territorial integrity by allowing Cambodia to construct a road in Thailand;
- Falsely certifying a person's membership in the Democrat Party; and
- Receiving illegal donations in the form of free phone text messages for a public relations campaign.

14. (SBU) Article 272 of the Constitution requires that the Senate forward the complaint expeditiously to the National Counter Corruption Commission (NCCC) for investigation. An NCCC finding that the charges have merit could lead to an immediate suspension of Abhisit's performance of the duties of Prime Minister. The Constitution leaves it unclear whether the Senate must vote on impeachment even if the NCCC finds the charges to be groundless.

15. (C) Comment: The current members of the NCCC were selected by the leaders of the 2006 coup d'etat; we feel safe in presuming they are extremely unsympathetic to the pro-Thaksin Puea Thai party and will reject the highly politicized charges against Abhisit. Even if the NCCC were to find the charges credible, the Senate's current alignment makes it highly improbable that Puea Thai would win the support of 60

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percent of the Senators -- the number required to remove Abhisit from office. Nevertheless, the complaint satisfies the requirement of Article 158 of the Constitution, which specifies an impeachment complaint is a prerequisite for a no-confidence motion that alleges malfeasance in office or deliberate unconstitutional acts. End Comment.

NO CONFIDENCE MOTION

16. (C) Puea Thai legislators on March 12 filed a motion for a no-confidence debate targeting Prime Minister Abhisit, Foreign Minister Kasit, and several other Ministers. This move follows a period of uncertainty over whether Puea Thai would adopt this strategy. Puea Thai's hesitancy appeared to be due to various factors, among them the constitutional requirement that such a motion specify who would ascend to the premiership in the event that the House removes the Prime Minister from office. Puea Thai legislator Chalerm Yoobamrung, named in the motion, appears to be his party's de facto leader, but he is deeply unpopular with many members of the Bangkok elite and middle class, and there may have been resistance within his party to his becoming Puea Thai's nominee for Prime Minister. (In December's election in the House, instead of backing Chalerm, Puea Thai supported a senior Motherland Party figure for Prime Minister.)

17. (C) Isra Sunthornvut, Deputy Secretary General to the Prime Minister, told us on March 12 that, in the normal course of events, the Democrats' coalition partners continually pressed the Democrats for greater concessions (e.g., more cabinet jobs). Isra expected the no-confidence debate would become an element in these inter-party negotiations, but he did not appear to believe the upcoming vote would change the current dynamics of coalition management. (As of the late afternoon of March 12, it was unclear when the debate would take place, but we expect it within a few weeks.)

THAKSIN'S INFLUENCE

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¶8. (C) There have been no significant indications that the Democrats' allies are inclined to return to the pro-Thaksin camp. There also have been no signs of growing momentum for the pro-Thaksin "redshirt" movement. A Democrat legislator told us in mid-February that he feared the redshirts would make serious efforts to disrupt the February 27 - March 1 ASEAN Summit. In the event, however, the redshirts proved either unable or unwilling to hold large and sustained demonstrations during the Summit.

¶9. (C) It is unclear whether Thaksin is generously funding his political allies. It is equally unclear whether funding alone would be enough to convince legislators to break from the governing coalition, given widespread credible rumors that military officers pressed politicians to join with the Democrats in December.

¶10. (SBU) Recent Thai media coverage of Thaksin's life as an overseas fugitive has focused on the growing constraints on his movements. The media reported in early February that the Japanese government would not allow Thaksin to enter Japan, and Thaksin decided not to travel to Hong Kong to speak with foreign journalists there after the RTG made clear its concerns about Thaksin's disposition.  
JOHN